

**REMARKS:**

REASONS THIS AMENDMENT SHOULD BE ENTERED

The Applicants submit that this amendment cancels rejected claims, complies with requirements set forth in the previous Office Action and otherwise puts the claims in allowable form. As such, entry of the amendment is proper under 37 CFR 1.113.

CLAIM AMENDMENTS

To expedite prosecution, the Applicants have canceled claims **1-13, 42-47, 55, 58, 67-69, 76-77** and amended claims **14, 48, 66, and 70** to put them in independent form and overcome the Examiner's rejections under 35 USC 112. To further expedite prosecution, the Applicants have canceled withdrawn claims **101-117** without prejudice to the filing of a divisional application directed to these claims. In addition, the Applicants have amended claims **15, 21, and 32** to depend from claim **14**, amended claims **56, 59, 61, and 65** to depend from claim **48**, and amended claims **71, 74, 75, and 78** to depend from claim **70**. Furthermore the Applicants have added new claims **118 and 119**, which respectively depend from claims **66 and 70** and recite additional features therefore. The Applicants reserve the right to pursue the canceled claims in a later-filed continuation or divisional application. Furthermore, the Applicants have corrected a minor typographical error in claim **16**. The Applicants submit that these amendments merely make explicit that which was implicit in the claims as originally filed. Therefore, the Applicants submit no new matter is being entered with these amendments. Furthermore, the Applicants submit that these amendments do not narrow the scope of any limitation or element of any claim within the meaning of the decision in *Festo Corp. v. Shoketsu Kogyo Kabushiki Co., Ltd.*, 234 F3d 558, 566, 56 U.S.P.Q.2d 1865 (Fed. Cir. 2000) 535 U.S. 722, 152 L. Ed. 2d 944, 122 S. Ct. 1831, (2002).

CLAIM OBJECTIONS

The Examiner has objected to claims **70-72 and 77** for informalities. To expedite prosecution, the Applicants have rewritten claim **70** in independent form and amended claim **71** to depend from claim **70**. In view of these amendments, the Applicants submit that claims **70-72** are no longer objectionable. Claim **77** has been canceled as set forth above and therefore the rejection of claim **77** is moot.

## CLAIM REJECTIONS

### 35 USC 112

The Examiner has rejected claims **4, 10, 11, 45, 46, 76** and **77** under 35 U.S.C. 112, first paragraph for failing to comply with the enablement requirement. To expedite prosecution, the Applicants have canceled claims **10, 11, 45, 46, 76** and **77**. Therefore, the rejections are moot with respect to the canceled claims.

The Examiner has also rejected claims **1-100** under 35 USC 112, second paragraph as being indefinite. In rejecting the claims the Examiner states that in independent claims **1, 42** and **67** the limitation that there is interchangeable co-operation with one or more optical components renders the claims indefinite because the “optical component” is introduced as an element of the claim and its relationship with other structural components is indefinite. The Examiner also argues that the criteria for interchangeable cooperation are not clear.

The Applicants submit that the rejections are moot with respect to the canceled claims. The Applicants have rewritten claims **14, 48, 66**, and **70** in independent form without the “interchangeable co-operation” feature that forms the basis of the Examiner’s rejection. The Applicants submit that claims **15-41, 48-54, 56-57, 59-65, 71-100, 118** and **119** are allowable by virtue of their dependence. As such, the rejections are overcome.

The Examiner also states that claim **61** recites “a fold deflector optically coupled between the first and second”, which renders the claim indefinite because it is not complete. In response, the Applicants submit that claim **61** was amended on August 25, 2003 to recite that the fold deflector is optically coupled between the “first and second beam steering modules.” As such, the Examiner’s rejection of claim **61** is moot since it had previously been addressed.

### 35 USC 102

The Examiner has rejected claims **1-3, 5-9, 12, 13, 21, 23-25, 32, 33, 42-44, 47, 65, 67, 69, 74, 75, 78, 79, 83, 84**, and **90-94** under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent 6,253,001 to Hoen. (hereinafter Hoen). The Applicant submits that the rejections of canceled claims **1-13, 42-47, 55, 58, 67-69, 76-77** are moot. The Applicants

submit that dependent claims **14, 48, 66** and **70** are allowable for the reasons cited by the Examiner. Furthermore, claims **15-41, 48-54, 56-57, 59-65, 71-100, 118** and **119** are allowable by virtue of their dependence on allowable claims.

ALLOWABLE SUBJECT MATTER

5 The Examiner has indicated that claims **14-20 22, 26-31, 34-41, 48-60, 61-64, 68, 70-73, 80-82, 85, 87, 98-91** and **95-100** would be allowable if rewritten to overcome the rejections under 35 USC 112 and to include the limitations of the base claim and any intervening claims. To Expedite prosecution, the Applicants have rewritten claims **14, 48, 66**, and **70**, in independent form as set forth above and overcome the rejections under  
10 35 USC 112 as described above. In addition, new claims **118** and **119** respectively depend from claims **66** and **70** and include material formerly found in claim **68**.

CONCLUSION

For the reasons set forth above, the Applicants submit that all pending claims are allowable over the cited art and define an invention suitable for patent protection. The  
15 Applicants further submit that, for the reasons set forth above, the pending claims are neither vague nor indefinite and that the claims are enabled. The Applicants respectfully request that the Examiner enter the amendment, reconsider the application and issue a Notice of Allowance in the next office action.

Respectfully submitted,

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